

Entered - 02/19/01 - sb
CL 01L0123 - GWENDOLYN BURNS

CLAIM OF: ANDREA DAVIS
VICTOR L. THURMAN
1909 Glendale Drive
Decatur, Georgia 30032


01-*R*-0406

For vehicular damages alleged to have been sustained as a result of an automobile accident on October 31, 2000 at 55 Trinity Street.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **ANDREA DAVIS and VICTOR L. THURMAN** the sum of **\$2,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of a automobile accident on October 31, 2000 at 55 Trinity Street as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0123

Date: March 1, 2001

Claimant /Victim ANDREA DAVIS and VICTOR L. THURMAN

BY: (Atty) (Ins. Co.) _____

Address: 1909 Glendale Drive, Decatur, Georgia 30032

Subrogation: _____ Claim for Property damage \$ 2,320.03 Bodily Injury \$ _____

Date of Notice: 2/13/01 Method: Written, Proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 _____ X _____ Ante Litem (6 Mo.) _____ X _____

Date of Occurrence 10/31/00 Place: 55 Trinity Street

Department ADMINISTRATIVE SERVICES Division Motor Transport

Employee involved Daniel Clancy Disciplinary Action: Pending Review

NATURE OF CLAIM: Claimant's vehicle sustained damage when it was struck by a city vehicle that "failed to yield when entering a roadway". The city employee was cited for same.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver X Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

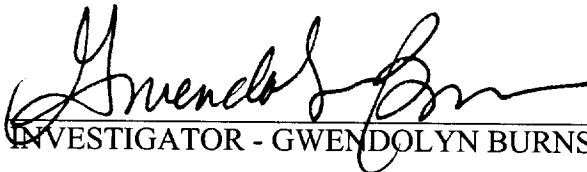
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X

City not involved _____ Offer rejected _____ Compromise settlement X

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

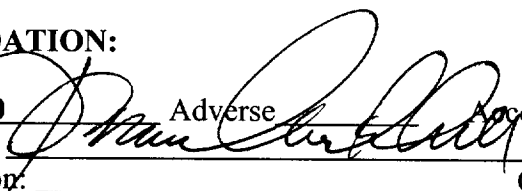
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

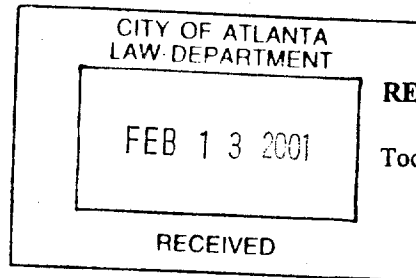
RECOMMENDATION:

Pay \$ 2,000.00 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 03-02-01

Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335



RE: CLAIM FOR DAMAGES

Today's Date: 02-13-01

ENTERED - 2-19-01 - SB
0110123 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2320.⁰³ property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 10.31.2000 2. Time of Incident: 13:00 3. Police called: K
(month/day/ year) Yes No

4. Location of incident (including street address): 55 TRINITY ST

5. Name of your insurance company: ~~ALLSTATE~~ PROGRESSIVE Policy No. 361888100

6. State what and how incident occurred: I WAS TRAVELLING WEST ON TRINITY WHEN THE CITY BUS PULLED OUT AND HIT MY RIGHT WINDSHIELD & RIGHT REAR VIEW WINDOW.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: CHEVY SILVERADO 96 132XNL ANDREA DAVIS
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: 95 FORD E-350 DANIEL CLAWCE CITY OF ATL MTB
(Make) (City Driver's Name) (Department/Bureau) 404-622-7618

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

And R. Davis
Signature of Claimant

ANDREA DAVIS
(Print Claimant's Name)

1909 ~~1111~~ GLENDALE DR.
(Address)

DECATUR GA 30032
(City, State and Zip Code)

404-874-7079
(Work Number) (Home Number)

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 01L0123

\$ 2,000.00

IN CONSIDERATION of the sum of TWO THOUSAND DOLLARS AND NO/100s DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, including but not limited to Daniel Clancy from any and all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident which occurred on or about the 31st day of October, 2000, at or near 55 Trinity Street.

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 31 day of March, 2001.

Andrea Davis (LS)

Victor L. Thurman (LS)

The above release was read and explained to, and signed by the said Andrea Davis & Victor L. Thurman in our presence on the date above written.

WITNESSES

01-R-0406